

REMARKS

As a preliminary, Applicant and Applicant's representative thank the Examiner for the interview of December 10, 2008. Applicant acknowledges with thanks the indication in the Interview Summary that "the claims appear allowable pending further search and consideration."

Claims 1-20 are pending in the present application. Claims 1 and 11 are the only independent claims.

In the Office Action, claims 1-2, 6, 11-12 and 16 are rejected under 35 U.S.C. 103(a) as obvious over WO 02/38933 to Harndorf et al. ("Harndorf") by reference to its equivalent US 7,017,337 to Plote et al. ("Plote"), in view of US 6,510,685 to Bolz et al. ("Bolz").

Further, claims 3, 7, 13, and 17 are rejected under 35 U.S.C. 103(a) as obvious over Harndorf in view of Bolz and further in view of US 2002/0007629 to Asanuma et al. ("Asanuma").

Still further, claims 4-5, 8, 14-15 and 18 are rejected under 35 U.S.C. 103(a) as obvious over Harndorf in view of Bolz and further in view of US 4,655,037 to Rao ("Rao").

Also, claims 9-10 and 19-20 are rejected under 35 U.S.C. 103(a) as obvious over Harndorf in view of Bolz and further in view of Asanuma and Rao.

Reconsideration and withdrawal of the rejections is respectfully requested. As discussed at the interview, Plote fails to teach or suggest determining a maximum duration for postinjections, and cutting off postinjections when this predetermined maximum duration is reached. Specifically, Plote stops regeneration, not as a function of a "predetermined maximum duration," but as a function of a threshold value for the pressure differential in the particulate filter. The passage at col. 6, lines 22-31 of Plote to which reference is made in the Office Action only mentions that the

threshold may be varied depending on the operating state of the engine, but there is no suggestion that a maximum duration could be set for the regeneration.

Further, Bolz uses a sensor of a raised accelerator pedal, but Bolz does not provide any suggestion or incentive to use this sensor as a trigger to calculate a predetermined maximum duration for regeneration. Therefore, Bolz fails to remedy the deficiencies of Plote. The other cited references also fail to remedy the deficiencies of Plote.

In contrast, the presently claimed invention provides for (i) determining, on the basis of said temperature, a maximum duration for applying postinjections during a stage in which the main injections are stopped and the engine is returning to idling as a result of the accelerator pedal being raised; and (ii) immediately cutting off the postinjections as soon as the duration of postinjection use has reached the predetermined maximum duration of application during this stage in which the main injections are stopped and the engine is returning to idling as a result of the accelerator pedal being raised, so as to limit the quantities of fuel that are postinjected when temperature levels in the exhaust line are unfavorably low.

An advantage of the presently claimed invention is that it is possible to optimize effective postinjections as a function of low exhaust temperatures and to reduce oil dilution, as discussed in the present specification, for example on page 6. The features of the presently claimed invention and their advantages are not taught or suggested in the cited references. Therefore, the present claims are not obvious over the cited references taken alone or in any combination.

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Further, with respect to the dependent claims, it is submitted that the cited references fail to teach or suggest the combined features of each of these claims. Therefore, each of these respective claims is not obvious over the cited references taken alone or in any combination.

In view of the above, it is submitted that the rejections should be withdrawn.

Conclusion

In conclusion, the invention as presently claimed is patentable. It is believed that the claims are in allowable condition and a notice to that effect is earnestly requested.

In the event there is, in the Examiner's opinion, any outstanding issue and such issue may be resolved by means of a telephone interview, the Examiner is respectfully requested to contact the undersigned attorney at the telephone number listed below.

In the event this paper is not considered to be timely filed, the Applicants hereby petition for an appropriate extension of the response period. Please charge the fee for such extension and any other fees which may be required to our Deposit Account No. 502759.

Respectfully submitted,

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